

COLONEL WILLIAM MADISON PEYTON'S
SECOND
LETTER TO HON. WM. C. RIVES.

"New York, May 15th, 1861.

"To THE HON. WM. C. RIVES, VIRGINIA.

"My dear Sir,

"Since the publication of my letter addressed to you on the 8th of last January, the nation has been subjected to a Cæsarean operation, which has brought forth a revolution of giant proportions and defiant power. Surmises, conjectures, and vaticinations have given way to facts, and what was speculation then, is history now. The nation is filled with amazement at the portentous magnitude of the events by which it is environed. One by one, it has seen the pillars of their magnificent temple removed from its Southern side, until the structure has lost its balance and threatens to fall and crush in its ruins all who remain.

"These events have swept Southern men, who were distinguished as Union men, into a new position, from which they overlook the field of revolution. From this stand point, they find the picture changed in all its features, with entirely new lights and shadows, and opening up to them a plain and unmistakable path of duty, along which they think the instincts of patriotism conducts them unfailingly.

"As you are aware, the course adopted by Virginia was not in accordance with my judgment. I believed

that a Government, which recognized so dangerous a solecism as the right of secession, thereby admitting its want of power to enforce the laws, made in conformity with the charter of its being and authority, was so entirely emasculated of all the qualities which give force, vigour, and durability, as to be unworthy of support or respect from intelligent freemen. I thought it bad policy to countenance the heresy, by any, even equivocal action, lest in the future 'it might return to plague the inventors;' or prove to be as the homely old English adage expresses it, 'a chicken that would return to roost.'

"I think Virginia should have acted more wisely, more for her own honour and glory, and more for the ultimate good of all, if with her *prestige* as the great head of the Slave States, she had planted her foot upon the opening lid of this Pandora's box, and taken a position of *armed neutrality*. Surpassing the other Southern States in her resources, in population, extent of territory, in wealth, and in her slave interest; commanding, in a remarkable degree, the esteem and confidence of her sister States, North and South; exposed by her border position to serious evils, whether in or out of the Union; and being assured that her assumption of the position suggested, would be sustained by all the border Slave States, including Tennessee and North Carolina, it seemed to me that she would have consulted her own interests and those of the nation, if she had consolidated this great central power into an armed neutrality.

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" She could then have dictated her own terms to the North and to the South ; faith, justice, honour, would thus have been vindicated, and the glorious inheritance from our revolutionary fathers would have been rescued from the ruthless tramp of civil war and the wild confusion and scorching desolation of unbridled anarchy.

" But Virginia, in convention and at the polls, has decided differently, and that, with all her patriotic sons, ends the discussion of this, as well as all other questions upon which her citizens were divided before she resolved on revolution. [See Note A.]

" She strikes now for the independence of the Slave States, and, trampling under foot the olive branch she has borne so long and so patiently, and under so much discouragement, she boldly defies the Government, at Washington. That she takes this extreme step under circumstances of great aggravation, none can deny, as a short analytic review of recent events will make manifest :—

" *First.*—Mr. Lincoln was nominated for and elected to the Presidency, mainly, if not solely, on the ground of his hostility to slave institutions, having advocated openly the opinion, that the nation could not exist '*half slave and half free.*'

" *Second.*—He called to the first post in the cabinet the author of the '*irrepressible conflict*' dogma, and the acknowledged founder of the Black Republican party.

" *Third.*—He has filled all the important and unimportant posts of the Government, foreign and domestic, with those Ultra Republicans, who are

uncomprising in their warfare, and who have rendered themselves particularly obnoxious to the South.

Fourth.—He announced, in his inaugural, that the decisions of the Federal Judiciary had no binding force on the executive, and thus struck from the arm of the South the only shield of her rights which remained.

Fifth.—When efforts were made by patriotic, Union-loving members of Congress to heal our divisions and prevent the disruption of our Union, the *especial* friends of the administration, the radical republicans, persistently resisted all compromises, notwithstanding it was known that the adoption, in *good faith*, of the Crittenden resolutions would satisfy the South, with the exception perhaps of South Carolina, and this, too, in the face of the strongest evidence that the North would also acquiesce, if the people were allowed to express their sentiments.

Sixth.—When Virginia, in an anxious and ardent desire to harmonize our troubles and preserve the Union, proposed a peace Congress, to be composed of Delegates from all the States, the radical republicans, instead of co-operating with Virginia in an honest and sincere effort to compose and settle our quarrel, spared no opportunity of belittling and underrating, and fore-stalling the patriotic purposes of Virginia and her sister border States. The moral effect of the action of the convention was thus destroyed and the hopes of its friends utterly disappointed.

Seventh.—When the Virginia convention was in session, composed, as it was, of an overwhelming

majority of Union men, and having just voted, two to one, against the doctrine of secession, the President, in disregard, if not in contempt of their efforts to devise some healing measures, issued his proclamation, calling for 75,000 men to suppress the insurrection.

"When this proclamation was officially announced, the Union men were confounded, and Virginia concluded that the administration had adopted the *ultima ratio*, because it was at heart opposed to a peaceful solution of difficulties upon any of the *bases* suggested, and that they were determined to coerce the South into submission to their construction of the constitution, as set forth in the Chicago platform. That this was a rational and just inference, all fair minds, in reviewing this synopsis, must admit; if so, however impolitic the course of Virginia may be deemed, its righteousness cannot be questioned.

"To be subjected to the rule of a Government which tramples the constitution under its feet at every step; a Government inaugurated by a power avowedly and deadly hostile to our institutions; administered by agents, at home and abroad, whose relations to the South have made their selection a burning insult; representing a party so overwhelmingly dominant in the North, that all the conservation which survives, is in chains too strong to be sundered; (certainly not, in time to save the Constitution from the ruthless invasion of lawless power;) is a political degradation, galling to the neck of freemen, and impossible to be borne.

"The Constitution of 1787, around which clusters so

many fond memories, and the love of which is so deeply fixed in the hearts of Virginians, came to us a monument of patriotism and wisdom, with three great branches of Government co-ordinate, but independent. One enacting laws in conformity with its provisions, another executing them, and the third adjudging the fact of the legal and constitutional exercise of these functions by the other two. It goes from us a regulator with its balance wheel destroyed; a ship, which has parted with its sheet anchor in a storm; a charter, perverted from an ægis of protection to an instrument of mischief and tyranny, in which the binding force of the judiciary is ignored, and the emblematic sword, which justice wields in defence of right, is wrested from her hands by the combined power of the Executive and Legislature, and plunged directly through the vitals of the Constitution. It came to us a Government of checks and balances, in which the vicious tendencies of democratic license, as well as those of aristocratic pretension, were curbed by wholesome restraints. It goes from us, a purely popular Government, in which the Constitution is ignored, and the will of a party, as expressed through the President, is substituted. It came to us a benign Government, under whose wings were sheltered impartially, the whole brood of States. It goes from us an unnatural parent, who refuses shelter and protection to that portion of the brood whose generosity has kept them poor, while it has enriched those by whom they are now excluded. It came to us a legacy of self-sacrificing patriotism, stamped with the

approbation of the immortal father and founder of our liberties. It goes from us with its features so distorted by rude efforts to change their expression as to be unrecognizable by its friends, and stamped with the footprints of Lincoln and abolitionism, which have pressed with fearful force on its very vitals. It came to us baptized in the blood of the Revolution, endeared to us by a thousand sacred associations, and our fealty was heartfelt and without reservation. It goes from us besmeared, begrimed, and defiled by immersion in the dirty pools of Abolitionism, so that with this stain and odour upon it, none can touch or handle it without pollution.

"Against a Government thus perverted Virginia *rebels*, and it is the duty of her sons to give strength and force to her position by every means in their power. Her position will be a trying one, and will require all her force, moral, intellectual, and physical, to sustain her. He has read history to poor advantage, and labours under a lamentable ignorance of the work which will be carried out by this revolution, both North and South, who expects it to be a holiday frolic or a transient spasm, which one or two manly efforts will enable them to overcome. Nothing short of a total upheaval of society need be looked for; a social and political earthquake, which will involve in one common ruin all the industrial pursuits of life.

Virginia has generously strapped the burden upon her own shoulders, and should comprehend clearly the difficulties of the route over which she has to travel, if

she hopes to sustain herself without faltering and to get through her journey safely. She will be the Flanders of the contest. Her proximity to Washington ; her border position ; the revolt that will inevitably occur in the western portion of the State ; her resources in money, men, and provisions, all conspire to make Virginia the chief seat of war. She will be obliged to make soldiers of all her citizens capable of bearing arms, and thus convert the State into one vast camp. The armies that will be assembled within her limits from the Confederate States and those of the invaders, will be quartered upon her to a great extent. The stratagetic movements of these great armies, with their battles, will destroy, to a great extent, her public improvements. Desolation will follow in their train. The country will be blackened with fire and smoke. Want, misery, and destitution will rule the hour. Here, as elsewhere, the stern laws of necessity will infringe upon many of our cherised political sentiments. The freedom of speech will be stifled ; the press will be muzzled ; the *habeas corpus* will be suspended ; private property will be appropriated arbitrarily, and all will find an apology and justification in the old Roman dictum, "*Inter arma leges silent.*"

"But in the midst of all this gloom and wretchedness, if Virginia is true to her ancient fame, her star will be in the ascendant, and her escutcheon, with its glorious motto, (*Sic Semper Tyrannis,*) will rise with renewed lustre from a baptism of suffering and glory. She will

be purged of corrupt politicians and will enter upon her new career wiser and better for experience.

Very truly yours,

W. M. PEYTON.

Note A.—The great commoner of Kentucky, Henry Clay, and many other of our most distinguished Statesmen, held, that in a contest between the States and the general Government, allegiance was due to the latter. Now, whilst there is great plausibility in this view, abstractly considered, it is obviously one of those logical deductions which could never have any practical force in Government. When a republic of our Union unfurls the standard of revolution, as in the present instance, she presents herself before the world, not like a fragmentary district in a state of insurrection, without the machinery and features of consolidated action and rational responsibility, but with all the appliances and forms of a regular Government, to whose authority her citizens have always bowed in matters of separate State interest. Her power and her influence are a unit, within her limits and her means of enforcing her policy complete. Individual resistance would be ineffectual and inoperative. Those refusing obedience, would necessarily fall under the sword of the law, or be compelled to abandon their property and their homes, and to assume a position of hostile antagonism to their friends—perhaps their families and the soil of their nativity, containing the green graves of their fathers. To expect this of any people is preposterous,

and those who expect any frame of Government for the Union of these States, to awaken a sentiment of veneration deep enough and strong enough to undermine and destroy these feelings in the heart of a Virginian, will find all their calculations, in the moment of trial, like the fabled apples of the Dead Sea, turned to dust and ashes.

“Whatever may have been the opinions of her sons as to the wisdom of her policy, now that she has plunged into this sea of revolution, they will rally to her standard from all quarters, and whatever of energy, or talent, or fortune they may have, will be offered up freely for the support and defence of their blessed old mother.

“W. M. PEYTON.”

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CHAPTER XIV.

From May till the latter part of the month of July, Colonel Peyton was under surveillance, the eyes of Argus, in New York. During this time he considered of different plans for effecting his escape. One attempt to cross the Atlantic to Europe, and thence return through Mexico and Texas, was frustrated, and he abandoned the idea of making another effort to reach home by this circuitous and uncertain route. While under the hospitable roof of his friend Dr. Sims, the long wished for opportunity occurred. This was during the excitement and exultation of the Northen people, and consequent relaxation of vigilance, growing out of the Federal victory at Carrick's Ford, July 15. It must be remembered that in this North-western section of Virginia, there was great dissatisfaction with the action of the Government at Richmond, a strong feeling of attachment to the Federal Union, and it became a matter of no small importance to both parties, how its aid and adherence might be secured. The people are brave and sturdy, fond of war and the chase, and their

power would be immensely felt on whichever side exerted. The Confederate authorities, therefore, despatched a force to this region, in April and May, under command of Colonel G. H. Porterfield. This young and gallant, but inexperienced commander, occupied the town of Grafton, on the 26th of May, and soon allowed himself to be out-witted, out-maneuvred, and defeated by General McClellan. On the 29th a large Federal force crossed the Ohio under orders from General McClellan, and Colonel Porterfield without giving battle, retired 24 miles to Phillipi where his command was strengthened, and where he ill-advisedly determined to make a stand. Having once adopted the plan of retreat, he should have continued it until he was in a place of security. On the 2nd of June, the Confederates were surprised in their new quarters by an attack on their position led by Colonels Kelly and Dumont, who had marched 24 miles during the night, through rain and mud. At 4 o'clock on the morning of the 2nd, notwithstanding the rain, their artillery opened a destructive fire on the Confederate camp. Colonel Porterfield, unable in the confusion resulting from the surprise to rally his forces, ordered a second retreat to Laurel Hill, on the western slope of the Alleghanies. It was effected, but not in a well ordered manner. On the 7th of July, General McClellan, with 10,000 men, flushed with their successes, advanced on this position which was not assaulted, but there was skirmishing between the respective forces on the 7th, 8th, and 9th. The Confederate rear was now at Rich mountain, which

was held by Col Pegram, whose force consisted of 2000 men. Various movements now occurred, the result of which was that the Confederate commander, seeing himself greatly outnumbered, commenced a third retreat, and on reaching Carrick's ford on the Cheat river, determined to make a stand. In this position, however, he was out-flanked and compelled again to retire. At another turn in the river, about a quarter of a mile below, the Confederates again attempted to stand. General Garnett, who had assumed command a few days before, while endeavouring to rally his men, was shot dead. The Confederate rout was now completed, and only 2000 men of the Southern army escaped. Colonel Pegram hearing of Garnett's defeat and death, surrendered his force at Beverly in these words :—

Beverly, July 12, 1861.

To THE COMMANDING OFFICER OF NORTHERN FORCES,
BEVERLY, VIRGINIA.

Sir,

I write to state to you that I have, in consequence of the jaded and reduced condition of my command, most of them having been without food for two days, concluded, with the concurrence of a majority of my captains and field-officers, to surrender my command to you to-morrow as *prisoners of war*. I have only to add, I trust they will only receive at your hands such treatment as has been invariably shown to the Northern prisoners by the South.

I am, your obedient servant,

JOHN PEGRAM,
Lieut.-Col. P.A.C.S. Commanding.

These great and unexpected successes of the Federal troops, which rendered it almost a certainty that at least one-third of the State of Virginia, with a population approximating half a million, would adhere to the Union, naturally created the wildest rapture in the Northern and Western States.

Colonel Peyton availed himself of the Northern saturnalia to leave New York, and the following day arrived on British territory, near Montreal, without having met with any annoyance, having travelled the entire way amidst bonfires, fireworks, sky-rockets, and other evidences of rejoicing. The whole North seemed intoxicated with gladness. From Canada he proceeded, notwithstanding his feeble health and an attack of the gout, to Toledo, in Ohio, and then southwards through that State and Indiana, and after numerous delays, arising from his weak condition, and the passage of troops and munitions to the seat of war, arrived in Kentucky. While journeying through Ohio and Indiana, the utmost circumspection became necessary to avoid recognition. The Virginian accent is markedly different from that of the Northern people, particularly those of New England, who have settled in large numbers in this part of the Federal Union. A Southern gentleman can therefore scarcely utter a word north of Mason's and Dixon's line, or the Ohio river, without his nationality, if I may so express myself, being known. He used the greatest discretion, however, cultivated silence, no doubt remembering how Peter was discovered to be a Galilean, "*Surely thou also art one of them : for thy speech betrayeth thee.*"

As he approached the theatre of active operations, his movements were more difficult, but in Kentucky he was among friends and sympathizers. By these he was concealed, and on favourable opportunities passed on, from place to place, until he reached the mountains of East Tennessee.

Tennessee was, at this period, in the midst of a domestic revolution or civil war among her own children. Immediately after the proclamation of the President, of the 15th of April, 1861, calling out 75,000 men, the excitement in this state was intense. The Governor Jsham G. Harris, immediately called an extra session of the legislature to meet on the 25th of that month. His Excellency at the same time refused to comply with the President's requisition and said in his answer to Hon. Simon Cameron, Secretary of War: "Tennessee will not furnish a man for purposes of coercion, but 50,000, if necessary, for the defence of our rights and those of our Southern brethren." At the same time an address written by Hon. Balie Peyton, was issued to the people, signed by the most eminent citizens of the State, namely Ex-Governor Neil, S. Brown, Russell Houston, the Hons. E. H. Ewing, Cave Johnson, John Bell, R. J. Meigs, S. D. Morgan, John S. Brien, Andrew Ewing, John H. Callender, and Colonel the Honorable Balie Peyton, in which they said:

"We unqualifiedly disapprove of secession, both as a constitutional right and as a remedy for existing evils, we equally condemn the policy of the Administration in

reference to the seceded States. But while we, without qualification, condemn the policy of coercion as calculated to dissolve the Union for ever, and to dissolve it in the blood of our fellow-citizens, and regard it as sufficient to justify the State in refusing her aid to the Government in its attempt to suppress the revolution in the seceded States, we do not think it her duty, considering her position in the Union, and in view of the great question of the peace of our distracted country, to take sides against the Government. Tennessee has wronged no State or citizen of the Union. She has violated the rights of no State, North or South. She has been loyal to all, when loyalty was due. She has not brought on this war by any act of her's. She has tried every means in her power to prevent it. She now stands ready to do anything within her reach to stop it. And she ought, as we think, to decline joining either party; for in so doing they would at once terminate her grand mission of peace-maker between the States and the general Government. Nay, more the almost inevitable result would be the transfer of the war within her own borders, the defeat of all hopes of reconciliation and the deluging of the State with the blood of her own people."

Affairs in Tennessee were in hopeless confusion—the war commenced in the State at an early period and was waged with the bitterest animosity. Two of Tennessee's favourite sons had been recently killed at the battle of Mill Spring, near her eastern frontier, July 19th, namely General Zollicoffer, commanding the Confederate forces

and his Chief of Staff, Captain Balie Peyton, jun., one of the most promising young men of his State, who, after a European education, commenced the practice of law at Nashville a few months previously to the opening of hostilities. Immediately after the President's proclamation he prepared for resistance. He had favoured secession, thus differing in opinion with his distinguished father, and volunteered at the first prospect of war for service in the army and was appointed Chief of Staff to the unfortunate Zollicoffer. He fell fighting in this, his first action, for the independence of this country. The loss of these two gallant soldiers, and by the hands of Southerners too, for they were said to have been shot by Union men enlisted in the 4th Kentucky regiment, Colonel Fry, contributed in no small degree to fan the flames of hatred created by the war.*

Colonel Peyton, therefore, found the greatest difficulty in passing through the Federal and Confederate lines, and was delayed several weeks until the movements of the opposing force, the Confederates under General Williams since the death of Zollicoffer and the Federal under General Thomas, opened the

* The author has been personally informed by David Bowen, a soldier in the 2nd Minnesota regiment, Colonel Van Cleve, who was engaged in the battle of Mill Spring, that Captain Peyton killed, with his own hands, two Federal soldiers before he received his mortal wound. From his (Peyton's) body was taken the sword voted by the State of Louisiana to his father, Colonel Balie Peyton, for his gallant services in the Mexican War of 1845-1847. This sword, bearing upon the blade an inscription ordered by the State of Louisiana, is preserved among the Federal trophies of the war in the capital of the State of Minnesota.

way for him. He finally succeeded in reaching his home in Virginia. During the war, his health was so shattered that he could render no personal assistance in the field. But he devoted his fortune to the cause, and, Demosthenes like, employed his time in writing spirit stirring appeals to the people. The sufferings of his wife and family, too, were at times great, resulting from the demands on the people for supplies for the support of the Confederate forces, and the wanton destruction caused by the marauding parties sent out by the Federal Army. In 1863 he and his family lived almost entirely upon the syrup of the sorgham cane and hominy made from bruised maize.

He was much affected in mind and heart by the progress of the war in which his kindred and friends were daily falling, and in which the people of the Confederacy were sacrificing all they possessed. A war, which it was soon clear to him, would end disastrously for the present generation of Southerners. It is thought that the cruel anxiety thus caused led to his premature death. Many of his early friends brought up in the same political school with himself, the companions of his youth, now that the South was subjugated, turned to and followed the triumphant North. This grieved him to the soul. To see his old friends wheeling into line for the North, as soon as the South was overcome, well nigh broke his heart. They leave the South, he said, because her fortunes have fled from her, and he quoted the affecting, but truthful lines of old Sir Henry Lee, when deserted by his faith-

ful mastiff. "There is a feeling in nature, affecting even the interest, as it is called, of dumb animals, which teaches them to fly from misfortune. The very deer will butt to death a sick or wounded buck from the herd; hurt a dog, and the whole kennel will fall on him and worry him; fishes devour their own kind when wounded with a spear; cut a rook's wing, or break its leg and the others will peck it to death."

The civil war had much divided families, and in various ways, and, after it was over, the murder of President Lincoln and the indiscreet manner in which his successor's friendship was shown, increased instead of diminished the rage of political hatred. The old ties of kindred and friendship did not regain their former influence, and the course of some of Colonel Peyton's friends and connections made a re-union of spirit and sentiment impossible. No one felt this state of things, so fatal to the kindly social relations which formerly existed in Virginia, more keenly than he.

After the war of 1865, he continued to reside on his Virginian estate, engaged in repairing the damage inflicted by the enemy, and deriving solace in his old age, from the society of such friends as survived, and of his books. He had little idea that the South would recover, in this day and generation, from the effects of the contest. When the war began, he was a man of large estate. At its close, when so many followers of the successful side were enriched that it gave rise to a new term by which they were designated,—the "Shoddy Aristocracy,"—he was so much impoverished

that his descendants have since been obliged to sell all of his estates.

Truly riches take to themselves wings. The still considerable means left him at the termination of hostilities were largely drawn on by his charities. Thousands were in a more reduced condition than himself, and to all he extended aid—was nobody's enemy but his own. His want of economy in money matters was constitutional. It is not surprising, therefore, after having kept “open house” for so many years, and assisted every one who applied to him in need, that he should leave the world oppressed with debt.

In a letter to the author, dated in Virginia, March 9, 1867, he says in regard to the political situation,

“The Reconstruction Bill, embracing the radical policy, has passed both Houses of Congress, been vetoed by the President,* and then passed over his head by a two thirds vote, so that it is now the law, and the Southern States placed under a provisional Government, in which martial law will prevail, and a General and his minions will ride over us ‘booted and spurred.’ The next and last step which fulfills our destiny, is confiscation, a bill for which is in the course of incubation and will be hatched in a few days. So you see, my brother, to what a foolish and most preposterous war has brought our once flourishing and happy country. There is no future for the present generation. All is dark, dismal, hopeless. Having sown in folly, we are

* Andrew Johnson.

reaping in bitterness, we have been victimized by shallow and designing politicians, who acquired an influence over the public sentiment through the madness of party altogether disproportioned to their ability or their patriotism. We have turned away from the steady and full-orbed light of Washington, to follow the *ignes fatui* of the poisonous pools of party, and very naturally find ourselves swamped and destroyed."

"I enclose you an elaborate letter from Governor Brown, of Georgia, which is very full, on the great question of reconstruction, and will give you all the information attainable. It gives a clear view of our miserable predicament and affords a striking example of the pitiable condition, to which even our leading men are reduced, when they are perpared to give us such advice. Governor Orr, of South Carolina, concurs in the main with these views and our Governor, of course. But I do not agree with them. I prefer a course of sullen, defiant obstinacy. I will never assist in forging the manacles which are to fetter me."

CHAPTER XV.

Quis desidero sit pudor aut modus
Tam cari capit is? Hor. od. 24. l.i.v.i.

ON the afternoon of the 29th of January, 1868, a Virginian family residing on their estate in the valley between the Blue Ridge and Alleghanies, Montgomery county, were assembled in the drawing room, and gathered round the wood fire which sent forth jocund sparkles and cheerful rays of heat. At this early period of the new year, when even in our Southern climate "winter lingers in the lap of spring," the warm breath of the gentle season has not yet melted the snow that whitens the mountain peak and shrouds the early flower. The family group seemed anxious, restless. If they had met for their usual afternoon tea and conversation, something interfered with its smooth flow.

At a centre table sat an elderly gentleman turning the leaves of a book, facing his wife, about whom still lingéred the traces of early beauty. She played with rather than plied her work. Several boys and girls made up the party. These afternoon reunions, when

the children were freed from the nursery and school-room, were usually sweet moments, in which the parents were wont to enjoy their domestic happiness; while consulting upon plans for the education and prospects of their offspring. From time to time, a fine boy, whose eyes bespoke a sound mind and whose rosy cheeks were graced with the sweet smile of innocence, ran to a window and looked down the long avenue of trees which lined the road leading to the mansion. It was evident that something was expected to approach by that smooth lawn road.

"What o'clock is it?" suddenly asked Mr. Eskridge, looking up from his book. "Half-past five," responded his wife.

"I must go out, some accident has befallen them," said he, "the carriage should have returned by three," and rising, he proceeded to draw on a fur overcoat.

"For heaven's sake do not expose yourself to such weather," exclaimed the wife, "with a cold and asthma, it may cause your death, consider that our fancy heightens the fear of danger."

At this moment Mr. Eskridge cast his eyes through the window and saw in the distance his large family coach, a most undemocratic vehicle, approaching. All care and anxiety was at once banished. The fears which had oppressed them were groundless. In a few minutes, when the vehicle arrived at the front door, the family was there to receive the expected guests. The first person who descended with difficulty from the carriage was a tall, handsome old man, much bent

with years, with snowy hair and beard; then followed his wife and grandchildren. Their friends rushed forward to embrace them, more after the fashion of lovers than mere friends. After their hurried, but warm embraces, they were conducted to the cheerful parlour, as the luggage was placed in the hall. While divesting themselves of their outer garments, the cause of their detention, which was simply a change of time in running the trains, was explained.

The venerable gentleman, who had arrived on a visit to his brother-in-law, Alexander P. Eskridge, was Colonel William M. Peyton. He was returning home from Abingdon, where he had gone to be with his son-in-law, Hon. Walter Preston, who was dangerously ill, and who died a few days after Colonel Peyton's arrival. Availing himself of the opportunity of passing near the estate of his friend and brother-in-law, Mr. Eskridge, who had years before married Juliet Taylor, sister of Mrs. Peyton, he had left the railway at the nearest station, where Mr. E.'s carriage, by previous arrangement waited to bring the party to his mansion.

Colonel Peyton was now in his sixty-third year, but from long sickness and much domestic trouble, (since the opening of the war he had lost, by death, a promising son, three daughters, and two sons-in-law), he appeared wasted, wan, and feeble, bore about him the signs of exhaustion which indicate premature decay. Though he was apparently without disease, it was evident to those who looked on him, that his strength,

was daily decreasing; that he was now but a ruin of humanity and spirit, a nobler ruin than ever painter depicted on canvas, or stone, or brick; the wreck of a man prematurely old, not stricken by great sorrow, not bowed by great toil, but fretted and mined away by daily, hourly excitements which ceaselessly do their gnome-like work. He seemed more than seventy, such was the silvery whiteness of his hair and beard, the latter unshorn and descending in silken masses to his waist. His eye, however, retained its peculiar brightness, and beamed with a gentle light difficult to be described, a smile played upon his lips, and he spoke even now with a cheerfulness, during which the lines of sadness almost disappeared from a face, which in repose bore sad evidences of the ravages of illness and care.

“Though old he still retain'd
His manly sense and energy of mind.”

Two days had passed since the arrival of the guests—days during which they had talked over the past and the present. Living a long distance from each other, with no direct railway connecting their homes, these friendly visits were few and far between, and of course were more appreciated when they occurred. On the afternoon of the third day, while Mr. Eskridge was dressing for dinner, a servant ran to his room, exclaiming out of breath that Colonel Peyton, had been seized with a fainting fit. Mr. Eskridge hastened to the assistance of his unfortunate

friend, whom he found prostrate upon a sofa, to all appearance dead. His eyes were closed, his face flushed and swollen, the blood vessels about the neck and temples turgid. Understanding at once the serious nature of the attack, which he thought was apoplexy, a form of disease common to the Peyton family, and which had before threatened him, he despatched a servant across the country in quest of the nearest surgeon, while raising the sufferer's head and unloosening his neck-cloth. Then applying a ligature to each of his legs, to retard the motion of the blood from the lower extremities, he placed him in an easy position and awaited impatiently the surgeon's arrival.

At the end of two hours the doctor arrived, and found him suffering from an attack of sanguine apoplexy accompanied with paralysis of one entire side of the body. From the severe nature of the attack the surgeon said there was little hope of his recovery.

Mrs. Peyton, who stood by dumb with the weight of grief for a husband, who was her honour, and comfort, and never until that hour had been a sorrow to her, hearing this opinion, fell in speechless agony into a chair. She soon, however, recovered her selfpossession, and though torn by dreadful apprehensions, watched, with unremitting care, at his sick bed. From day to day her grief visibly increased, one tear after another coursed down her cheeks as she stood for hours by the sinking sufferer. They were those bitter tears which steal singly from our eyes, to let us taste the bitterness

of every solitary drop that trickles down our cheeks, not those salutary tears by which a kind Providence unburdens the heart and animates us with strength to bear new griefs. In a few days death released the sufferer, and the spirit of as true, as pure, as loving, and as brave a man as ever lived winged its way to the regions of the blessed: a soul who never indulged a passion unfit for the place he is gone to.

Where are now thy plans of justice, of truth, of honour? Of what use are the volumes thou hast collected, the arguments thou hast invented, the examples thou hast followed? Poor were the expectations of the studious, the modest, and the good, if the reward of their labours were only to be expected from man. No, my friend, thy intended pleadings, thy intended good offices to thy friends, thy intended services to thy country are already performed, as to thy concern in them, in His sight before whom the past, the present and future appear at one view. While others with thy talents were tormented with ambition, with vain glory, with envy, with emulation, how well didst thou turn thy mind to its own improvement in things out of the power of fortune; in probity, in integrity, in the practice and study of justice: how silent thy passage, how private thy journey, how glorious thy end. Many have I known more famous, some more shrewd, not one so innocent.

From a letter written to the author by one of his brothers-in-law, Colonel John B. Baldwin, dated in

Virginia, February 16, 1868, the following further particulars of this melancholy event are given:—

“ We have received to-day a telegram announcing the death of your brother William, which occurred this morning at the residence of his brother-in-law, Alexander P. Eskridge, in Montgomery county. Colonel Peyton had been with his wife in Abingdon, on a visit to his daughter, Mrs. Preston, whose husband died recently, as you have probably learned, and was on his return home, when stopping for a short visit at Mr. Eskridge’s, he was attacked by paralysis, on Monday, 27th of January. The attack was so violent as to deprive him of the use of one side, and to render his speech wholly unintelligible for more than a week. After that time, he so far recovered consciousness and voice, as to be able to communicate with his family, all of whom were with him—but at no time from his first seizure was there the least hope of his recovery, or even of his living for more than a very few days. His death, following so soon after that of Mr. Preston, has, as you will understand, overwhelmed his family with a complication of sorrow, such as rarely falls upon one household. The condition of Susan’s health and the pressure of my business engagements rendered it impossible for her to be with her brother in his illness—and I have never seen Susan more distressed and grieved than by the fact that she was so prevented.”

“ The death of the Colonel, as you may suppose, gives us all great distress, for we appreciated him as a

most noble and affectionate, as well as a high-toned and honourable gentlemen."

A week after his death his remains were consigned to the earth, after the manner of the country, in the private cemetery of his brother-in-law, but, as Joseph's bones were carried into Canaan after they had been embalmed 400 years, so his are destined to be removed, in time, to the family vault in Augusta, or at Stoney Hill.

Colonel Peyton's intellectual attainments would have entitled him to hold a high place in literature and science, for both of which he had so keen a relish, but Providence, in granting him an independent fortune, released him from that stern necessity for mental exertion by which so many of the greatest scholars have been formed. He had none of the training of the great master whose name is Adversity. Accordingly he devoted his attention while living, solely to those subjects which immediately interested him, and seemed to be of service to his kind, without any aspirations after posthumous fame. In his immediate sphere he sought quietly and unostentatiously to do good rather than by striking deeds to attract the attention of mankind, and win the fickle applause of the crowd. In this simple, unpretending way, departing, he has left behind

"Footprints on the sands of time."

The memoirs of such a man contain little to excite, and less to startle, but inasmuch as the example of a good man is of more value than the written precept,

may the writer not hope that he has conferred some benefit upon the public, in not permitting one of so pure a life, so exalted a character, and so enlightened a mind to descend to the grave without some record to do honour to his memory? A man whom he looked up to with no inferior veneration, not so much for his great learning and intellectual ability, as for his rare combination of unswerving justice tempered by the most gracious kindness, of perfect unselfishness, animated by the most enlarged love of mankind. Of all the memories in our spiritual valhalla, that of William Madison Peyton stands pre-eminent for those qualities which have commanded our respect and inspired our personal attachment. Who that has had the privilege of not only observing the public course of our modern Aristides, but of sharing in the amenities of his private life, could wish anything better for himself, than that the spirit of his departed friend should be his own constant and life-long guide; so that whenever its close may arrive, he also may be deemed worthy of the eulogy so appropriately bestowed on him from the grand old words,

“The just shall be held in everlasting remembrance.”

APPENDIX A.

ABRIDGED GENEALOGY, OR PEDIGREE, OF THE ANCIENT NOBLE FAMILY OF PEYTON.

The Peyton's are, says Camden and other antiquarians and historians, descended from William de Malet, (de Graville) one of the great barons who accompanied *William I.* to the conquest of England. Malet rendered conspicuous service at the battle of Hastings, 14th of October, A.D., 1066, where he belonged to the cavalry, and was mace-bearer to Duke William. He afterwards distinguished himself in the subjugation of North Britain, and was reported slain with 3000 of his followers at the seige of York. This, however, is doubtful. Thierry, in his History of the Norman Conquest, Book iv., says, that the Danes spared the life of Malet, his

wife and family, and bore them away in their fleet.* Malet was Sheriff of Yorkshire, 3rd year of William I. and obtained many grants of Lordships and Manors from the Crown, as a recompense for his military services, as is recorded in *Doomsday Book*, which was completed, A.D., 1080. Among the estates he acquired thus were Sibton and Peyton Halls in Co. Suffolk.

The first of the family on record, who assumed the name of Peyton, according to the usage of the times, from Peyton in Stoke, Neyland, Co. of Suffolk, was,

REGINALD DE PEYTON,

second son of Walter, Lord of Sibton, younger brother of Malet, Sheriff of Yorkshire. This Reginald held the Lordships of Peyton Hall, in Ramshold and Boxford, in Suffolk, of Hugh de Bigod, who was sewer to Roger Bigod, Earl of Norfolk, and gave lands to the Monks of Thetford, to pray for the soul of Roger de Bigod. He had two sons—William, who held certain lands in Boxford, of the fee of the Abbey of St. Edmundsbury, as appears by charter of his nephew John, and,

JOHN DE PEYTON,

to whom King Stephen and his Cousin German, William de Cassinetto, Lord of Horsford, granted all his lands in Peyton, to hold, as his ancestors before held the same. This John had four sons, viz.,

* See also "Saxon Chronicles," edited by Gibson, p. 174,, and "Orderic Vital," p. 512.

- I. JOHN (Sir), the elder.
- II. ROBERT DE PEYTON, Lord of Ufford in Suffolk, and who assumed the surname of Ufford therefrom, and of whom presently,
- III. PETER, Lord of Peyton Hall, who held lands in Romshot and Peyton in the time of King John.
- IV. JOHN, the younger, who sold to John, the eldest, all the lands which he had in Boxford, of the fee of St. Edmundsbury and Stoke Neyland, which their father John de Peyton. and William, their uncle formerly possessed.

ROBERT DE PEYTON,

second son of the foregoing John de Peyton, assumed the surname of Ufford from that Lordship and became Robert de Ufford, his son,

Sir Robert Peyton de Ufford was summoned to parliament as a baron by writ, dated 13th January, 1308, the 2nd of Edward II., and was created Earl of Suffolk, 16th March, 1337.

He was Lord Justice of Ireland in the reign of Henry III., and again in the reign of Edward I. He married Mary, widow of William de Lay, and dying in the 26th of the latter King, was succeeded by his son,

Sir Robert de Ufford, Knt., who was summoned to Parliament as a *Baron* from the 13th January, 1308, to 19th December, 1311. His Lordship was in the expedition made into Scotland, in the 34th Edward I. He married Cecily, one of the daughters and co-heirs

of Sir Robert de Valoines, Knt., Lord of Walsham, and had issue,

ROBERT, his successor.

RALPH, Justice of Ireland, in the reign of Edward III.

EDMUND, (Sir), who assuming the surname of Walsham, from his mother's Lordship became *Sir Edmund Walsham*, and from him lineally descended—

JOHN JAMES GARBETT WALSHAM, of Knill Court, in the County of Hereford, who was created a baronet on the 15th September, 1831. He died in 1316, and was succeeded by his eldest son,

ROBERT PEYTON DE UFFORD,

second baron, summoned to Parliament from 27th Jan., 1332, to 14th Jan., 1337. This nobleman was in the wars of Gascony in the reign of Edward II., and he obtained, in the begining of Edward III.'s reign in requital of his eminent services, a grant for life of the town and castle of Orford, in the county of Suffolk, and soon after further considerable territorial possessions, also by grant from the Crown, in consideration of the personal danger he had incurred in arresting, by the King's command, Mortimer, and some of his adherents, in the Castle of Nottingham. In the 11th year of the same reign, his lordship was solemnly advanced in the Parliament then held, to the dignity of Earl of Suffolk. Whereupon he was associated with William de Bohun, Earl of Northampton, and John Darcy, Steward of the

King's household, to treat with David Brees, of Scotland, touching a league of peace and amity. And the same year going beyond sea on the King's service, had an assignation of £300 out of the Exchequer, towards his expenses in that employment, which was in the wars of France; for it appears that he then accompanied the Earl of Derby, being with him at the battle of Cagart. After which time he was seldom out of some distinguished action. In the 12th Edward III., being in the expedition made into Flanders, he was the next year one of the Marshals when King Edward besieged Cambray: and his Lordship, within a few years subsequently was actively engaged in the wars of Brittany. In the 17th of this reign, the Earl of Suffolk was deputed to the Court of Rome, there to treat in the presence of his Holiness, touching an amicable peace and accord between the English monarch and Philip de Valois, and he marched the same year with Henry of Lancaster, Earl of Derby, to the relief of Loughmaban Castle, then besieged by the Scots. Soon after this, he was made Lord High Admiral of England, and commanded in person the King's whole fleet northward. For several years subsequently his Lordship was with King Edward in France, and he was one of the persons presented by that monarch with harness and other accoutrements for the tournament at Canterbury in the 22nd year of his reign. Seven years afterwards we find the Earl again in France, with the *Black Prince*; and at the celebrated *Battle of Poictiers*, so hardly fought and so gloriously won. In the following

year, his Lordship achieved the highest military renown by his skill as a leader, and his personal courage at the head of his troops. He was subsequently elected a Knight of the Garter. His Lordship married Margaret, daughter of Sir John Norwich, and had issue,

ROBERT, summoned to Parliament 25th of February, 1342, died in the life time of his father.

WILLIAM, his successor.

CECILIE, married to William, Lord Willoughby d'Eresby.

CATHERINE, married to Robert, Lord Scales.

MARGARET, married to William, Lord Ferrers of Groby.

The Earl's last testament bears date in 1368, and he died in the following year. Amongst other bequests, he leaves to his son, William, "the sword, wherewith the King begirt him. when he created him Earl ; as also his bed, with the eagle entire, and his summer vestment, powdered with leopards." His Lordship was succeeded by his only surviving son,

William de Ufford, second Earl of Suffolk, who was summoned to parliament as a baron, in the lifetime of his father, on the 4th Dec., 1364, and 20th January, 1366. This nobleman was in the French wars at the close of Edward III.'s reign, and in the beginning of that of Richard II. In the 50th of Edward he was constituted Admiral of the King's whole fleet northward. At the breaking out of Jack Straw's insurrection, 4th Richard II., his Lordship understanding that the common people contemplated forcing him into their ranks, and thus to represent him as one of their leaders,

hastily arose from supper, and pursuing an unfrequented route, reached the King at St. Alban's with a wallet over his shoulder, under the assumed character of servant to Sir. Roger de Bois; but afterwards, being chosen by the Commons in Parliament assembled, to represent to the Lords certain matters of importance to the public welfare, the Earl, while ascending the steps of their Lordship's house, suddenly fell down dead, to the amazement and sorrow of all persons, rich and poor, on the 15th February, 1382. His Lordship married first, Joane, daughter of Edward de Montacute, and grand-daughter, maternally, of Thomas, of Brotherton, Earl of Norfolk, and secondly, Isabel, daughter of Thomas de Beauchamp, Earl of Warwick, and widow of John le Strange, of Blackmere, but having no issue, the *Earldom of Suffolk* became *extinct*, while the original *Barony of Ufford* fell into *abeyance*, between his sisters and heirs, [refer to children of Robert, first Earl,] as it still continues amongst their representatives.

Ufford—Baron Ufford.

(By writ of summons, dated 3rd April, 1360, 34 Edward III.)

RALPH PEYTON DE UFFORD,

brother of Robert, first Earl of Suffolk, having served in the wars of France and Flanders in the martial reign of Edward III., obtained large grants of land from that monarch, in the counties of Berks and Dorset. Subsequently (20th Edward III.) being justice of Ireland, we

are told, "he landed in that realm, with a great number of men-at-arms and archers." This distinguished person married, first, Maud, widow of William, Earl of Ulster, and sister of Henry Plantagenet, Earl of Lancaster, by whom he had an only daughter,

Maud, who married, Thomas de Vere, son of John de Vere, Earl of Oxford.

He married secondly, Eve, daughter and heiress of John de Clavering, and widow of Thomas de Audeley, by whom he had issue,

JOHN, of whom presently.

EDMUND, (Sir), who inherited the estates of the family, upon the decease of his brother. Sir Edmund married Sybil, daughter of Sir Robert Pierpont, and had issue.

ROBERT, (Sir), who married Eleanor, daughter of Sir Thomas Felton, Knt., and left issue, three daughters his co-heirs, viz,

ELLA, married to Robert Rowes,

SYBIL, a nun at Barking.

JOAN, married to William Bowes, brother of Richard, and left one daughter and heiress,

ELIZABETH, married to Sir Thomas, son of William, Lord Dacres,

Ralph de Ufford died in 1346, and was succeeded by his eldest son.

John de Ufford, who was summoned to parliament as Baron Ufford on the 3rd of April, 1360, but dying the following year, issueless, the dignity became *extinct*,

while his estates passed to his brother, Sir Edmond Ufford, Knt.

Sir John de Peyton to whom King Stephen granted all his lands, in Peyton, dying, was succeeded by his eldest son,

Sir John de Peyton, who was Lord of Peyton Hall, in Boxford, also possessed lands in Stoke Neyland, in Suffolk. He flourished under Henry III. as appears by a Catalogue of Knights in that reign. His wife was Matilda de Bueris, sister and heir of Symond de Notelle. By her he had three sons and one daughter, viz.,

JOHN (his heir),

WILLIAM,

JAMES,

AGNES.

His eldest son Sir John de Peyton, Knt., served in the Parliament held at Westminister, 29th Edward I., as one of the Knts. of the shire for Suffolk. He was thrice married, and dying was succeeded by his son,

Sir Robert de Peyton, who in many of his evidences is styled Chavalier and Monsieur. He had two wives, first the lady Christiana de Apleton, widow of William de Apleton, and heir to lands in Hanall and Boxford, who died the 10th of Edward II. circa A.D. 1284, leaving no children, and was buried at Stoke Neyland, with great pomp, the funeral expenses being thus set down: fifty quarters of wheat £4 10s., one hogshead of wine £53 4s., four muttons 5 shillings each, eight bacon hogs 24 shillings, ten calves, etc. His second wife was Joan de Marney, of the noble family of the Marneys, of Layer Marney, in Essex, by whom there was issue,

SIR JOHN DE PEYTON, (his heir),
WILLIAM, from whom there was a release to his father
ROBERT, dated 13th Edward III.,
JOHN, junior, to whom William Castelayne, John de
Rickell, and others, granted the Manor of Beedles,
Waldingfield, 5 Edward III.

The eldest son *Sir John de Peyton* married Margaret, daughter and co-heir of Sir John Gernon, Knt., of Lees, in Essex, Lord of Wicken, in Cambridgeshire, and of Barkwell, in the County of Derby, and in her right possessed the manor of Wicken, as in the 17th of Richard II. he, jointly with her, held part of the manor of Esthorpe, by the service of one Knt's. fee. He died in Richard's reign, his wife in 2nd Henry V. Their son and heir,

Sir John de Peyton, wedded Joan daughter and heir of Sir Hammond Sutton, of Wicksho, in the Co. of Suffolk, and thus that Estate came into the Peyton family. By her he had

JOHN (his heir),

THOMAS,

ROBERT,

MARGERY, who married Thomas Daubeny, Esq., of Sherrington, in Norfolk. He died 5th Henry IV., and was succeeded by his son,

Sir John de Peyton, then in minority. He married Grace, daughter of John Burgoyne, of Drayton, in the Co. of Cambridge, and had issue,

JOHN (his heir),

THOMAS,

Anne married to Jeffry Lockton,

He died in the flower of his age, 6th Oct., 4 Henry IV. and was succeeded by his eldest son,

Sir John de Peyton, who died a minor, 29 Oct., 11th Henry VI., and was succeeded by his brother,

Sir Thomas de Peyton, then 17 years of age, and seized of the manor of Esthorpe. His mother, Grace, dying the six of May, he was found heir to the manor of Messing, which was held of the Crown, as of the honour of Keynes, by the service of one Knight fee, also of the Manor of Binchall, and the Castle. Upon the feast of All Saints, 18th Henry VI., his age was proved at Cambridge, viz. 22 years, at which time it was sworn by John Welford, that he was born and baptised at Dry-Drayton, in that County, A.D. 1418, many agreeing in the verdict, among whom Robert Chapman alleged, that the day on which he was born, being the feast of St. Valentine, there was a great storm, one knew it by the great wind; another broke his leg by a fall from his horse; another for that his wife was buried; another, for then his lease was burnt: another for then his daughter Margaret was burnt; another fell from a tree and broke his arm; as the several jurors deposed upon their oaths. This Thomas was Sheriff of Cambridge and Huntingdon, 21st and 31st of Henry VI., and about the 17th of Edward IV.; he began to rebuild the Church at Isleham, agreeing then with John Waltham, alias Sudbury, freemason for the same; in the chancel of which church he lies interred, having a monument erected there to his

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memory. He married first, Margaret, daughter and co-heir of Sir John Bernard, Knt., of Isleham; by that lady he acquired the Estate of Isleham, and had issue,

THOMAS, who married Joan, daughter of Sir James Calthorpe, of Norfolk, and thus acquired the manor of Calthorpe, with other lands in that county. He died before his father, leaving

ROBERT (Sir), heir to his grandfather.

JOHN.

EDWARD.

ELIZABETH, married to Edward Langley, of Knowlton, in Kent.

JANE, married to John Langley, of Lowleworth, in Cambridgeshire.

ANNE, married to John Asheby, of Harefield, in Middlesex,

DOROTHY.

His widow, Joan, married William Mauleverer.

MARGARET.

GRACE.

He married secondly, Margaret, daughter and co-heir of Sir Hugh Francis, of Giffords, in the County of Suffolk, widow of Thomas Garnish, of Kenton, in the same shire, and by her had two other sons, namely:

SIR CHRISTOPHER, who had great posessions in Wick-hambrook and Bury. In the 12th of Henry of VIII. he was sheriff of the Counties of Cambridge and Huntingdon. He married a daughter of Leonard Hide, of Hide Hall, in Hertfordshire,

but died in the 15th of Henry VII. without issue.

FRANCIS, of St. Edmondsbury, heir, was also of Coggeshall, in Essex. He married Elizabeth, daughter of Reginald Brook, of Aspallston Hall, in Suffolk, and had two sons, Edmund, the younger, who was Customer of Calais, left no issue. The elder son, Christopher of St. Edmondsbury, married Jane daughter of Thomas Mildmay, and had issue.

Thomas Peyton died 30th of July, 1484, and was succeeded by his grandson,

Sir Robert Peyton, of Isleham, who was Sheriff of the Counties of Cambridge and Huntingdon, in the 14th Henry VII. He married Elizabeth, daughter of Sir Robert Clere, of Ormesby, in Norfolk, and had issue,

Robert, (Sir), his heir.

John, (Sir), married Dorothy, daughter of Sir John Tyndall, Knt., of Hockwold, in Kent, and from him descended a distinguished line of the family, namely, the Peyton's of Knowlton and Doddington. One of whom was Sir Samuel Peyton, Knt. of Knowlton, and another Sir John Peyton, who was Lieutenant of the Tower of London, and Govenor of the Island of Jersey, from 1603 to 1628, having been succeeded in that office by his son, Sir John Peyton, who held the post till 1633, Sir John died in 1630, aged 105 years according to an inscription on the monument of his Grand-daughter Mrs. Lowe, in Christ Church, Oxford.*